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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/085,192

Applicant(s)

KUNII ET AL.

Examiner

HEATHER JONES

Art Unit

2481

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-27, 29-37, 39-43 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-27, 29-37, 39-43 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 5, 2011 have been fully considered but they are not persuasive.

The Applicant argues that Berger et al. fails to disclose converting program information from a page description language format to another database format that requires no data analysis following retrieval. The Examiner respectfully disagrees. Berger et al. discloses in Fig. 13 converting the page description language format structured hierarchically using tags (HTML or another markup language) to another database format that excludes said tags (WHL, HDML, XML, VoXML, text,...), wherein said another database format (WHL, HDML, XML, VoXML, text,...) comprises less amount of data than said page description language (HTML or another markup language) and requires no data analysis (col. 10, lines 44-67). Furthermore, Berger et al. discloses in the table disclosed in col. 11 that one of the wireless devices supported is the Palm VIII, which would use the Palm operating system that would require the documents to be formatted according to the pdb format. Since Berger et al. supports Palm wireless devices like the conversion process disclosed by the Applicant the first format which includes tags would be converted to the other format that excludes tags. Then once the documents are properly converted according to the device receiving them no further data analysis is needed once the documents are received since they are

already formatted for optimal display (col. 10, lines 44-47 - the conversion process is already done before the other device receives them and therefore all the other device has to do is display the information it receives). Therefore, Berger et al. meets the claimed limitations and the rejection is maintained.

The Applicant argues that the combination of prior art references lack motivation and is a result of improper hindsight. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 101

2. The system and apparatus claims 1-14, 16-25, 29-35, 39-41, and 46 are considered to be statutory because they invoke 35 U.S.C. 112 sixth paragraph and therefore, are considered to be claiming hardware. Method claims 26, 36, and 42 are considered to be statutory because they are tied to an apparatus either explicitly by claiming the portable information terminal apparatus or inherently by claiming that the unattended recording is being controlled. Medium claims 27, 37, and 43 are considered to be statutory because they are only directed towards non-transitory computer-readable mediums.

35 USC § 112

3. Claims 1-7, 9, 14, 19-21, 25, 29, 30, 39-41, and 46 invoke 35 U.S.C. 112 sixth paragraph by meeting the limitations set forth in the three prong test specified in MPEP 2181. Regarding claims 1, 5, 7, 9, and 39, the storing means for storing is considered to read on the TV program information database (192) in Fig. 10; the providing means for retrieving said program information is considered to read on the TV program information server (191) in Fig. 10; the acquiring means for acquiring said program information in the portable terminal is considered to read on the wireless LAN communication unit (64), the communication unit (53) or the Infrared communication unit (22) in Fig. 5; the establishing means for establishing preset information is considered to read on the TV program recording preset program (83); the preset list (92), and the preset information memory (93) in Fig. 5; the transmitting means for transmitting the preset information is considered to read on the program data communication (81) in Fig. 5; the receiving means for receiving present information is considered to read on the wireless LAN communication unit (147), the communication board (145) or the Infrared communication unit (146) in Fig. 7; the recording controlling means for controlling the recording is considered to read on the image processing board (144) and the HDD (141) in Figs. 7 and 8; and the displaying means for displaying said program information is considered to read on the display unit (31) in Fig. 5. Regarding claims 2 and 6, the converting means for converting the program information is considered to read on the converter (193) in Fig. 10. Regarding claims 3 and 4, the generating means for generating a

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preset signal is considered to read on the TV program recording preset program (83) in Fig. 5. Regarding claims 14 and 19, the storing means for storing said preset information is considered to read on the preset information memory (93) in Fig. 5; and the controlling means for controlling exchanges is considered to read on the program I/O control (82) in Fig. 5. Regarding claim 20, the receiving means for receiving the converted data is considered to read on the wireless LAN communication unit (64), the communication unit (53) or the Infrared communication unit (22) in Fig. 5. Regarding claim 21, the managing means for managing a schedule list is considered to read on the schedule list program (84) in Fig. 5; and the judging means for judging whether or not to write the preset information is considered to read on the TV program recording preset program (83) in Fig. 5. Regarding claim 25, the updating means for updating said preset information is considered to read on the TV program recording preset program (83) in Fig. 5. Regarding claim 29, the storing means for storing said program information and advertisement information is considered to read on the TV program information database (192) and the advertisement information database (196) in Fig. 10; the converting means for providing said data is considered to read on the converter (193) in Fig. 10. Regarding claim 30, the charging means for calculating a fee for inserting advertisement information is considered to read on the charge server (197) in Fig. 10. Regarding claim 40, the transmitting means for transmitting the converted image data is considered to read on the TV program information server (191) in Fig. 10. Regarding claim 41, the transmitting means for transmitting to said portable information terminal is considered to read

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on the wireless LAN communication unit (147), the communication board (145) or the Infrared communication unit (146) in Fig. 7. Regarding claim 46, the first storing means for storing the first file format is considered to read on the TV program information database (192) in Fig. 10; and the second storing means for storing the second file format is considered to read on the pdb-format TV program information database (194) in Fig. 10.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. Patent 6,898,762) in view of Miller et al. (GB 2 343 074) in view of Mizutome et al. (U.S. Patent 7,469,413) in view of Huang et al. (U.S. Patent 6,437,836) in view of Berger et al. (U.S. Patent 7,210,100).

Regarding claim 1, Ellis et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs, and an information processing apparatus having recording and reproducing functions; wherein said program information providing apparatus includes: storing means for storing said program information (Fig. 1); and providing means

for retrieving said program information from said storing means before providing the retrieved program information to the user's apparatus (Figs. 2a-2c; col. 5, lines 6-22); and wherein said information processing apparatus includes: receiving means for receiving said preset information from the user's apparatus; and recording controlling means for controlling the unattended recording of said desired program based on said preset information received by said receiving means (col. 9, line 17 - col. 10, line 2). Furthermore, Ellis et al. discloses the information processing system further comprises converter means for converting said program information from a page description language format to another database format, wherein said another database format comprises a less amount of data than said page description language (Ellis et al.: col. 1, line 65 - col. 2, line 3 - there are several ways to send the information which would all require different formatting; the information going to the portable information terminal apparatus will have less information than the information going to a set-top box). However, Ellis et al. fails to disclose a portable information terminal apparatus owned by a user, wherein the program information terminal apparatus includes: a providing means that retrieves the program information based on identifying a user ID associated with an information request transmitted from the portable information terminal apparatus, wherein upon identifying the user ID the retrieved program information includes registered content applicable to the user ID, and wherein the user ID is unidentifiable, the retrieved program

information includes commonly watched channels. Furthermore, Ellis et al. fails to disclose a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means. Regarding the converting means, Ellis et al. fails to explicitly disclose convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Miller et al., Miller et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs that includes: providing means for retrieving the program information from the storing means before providing the retrieved program information to a terminal apparatus, the providing means retrieving the program information based on identifying a user ID associated with an information request transmitted

from the terminal apparatus, wherein upon identifying the user ID the retrieved program information includes registered content applicable to the user ID (Figs. 2, 3, and 10-12; page 4, lines 15-19; page 17, lines 10-29 – custom program guides (EPGs)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided program guides according to the user's preferences based on their user ID as disclosed by Miller et al in the information processing system disclosed by Ellis et al. in order to provide a more user friendly program guide by allowing the user to customize their guide. However, Ellis et al. in view of Miller et al. fail to disclose that when the user ID is unidentifiable, the retrieved program information includes commonly watched channels. Furthermore, Ellis et al. in view of Miller et al. still fail to disclose a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means as well as a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program

information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Mizutome et al., Mizutome et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs that includes: providing means for retrieving the program information from the storing means before providing the retrieved program information to a terminal apparatus, wherein the retrieved program information can be customized and when there is no user preferences specified a default program guide (commonly watched channels) is displayed to the user (Figs. 16A, 16B, 22A, and 22B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed a default program guide when no user preferences are specified or found as disclosed by Mizutome et al. in the information processing system disclosed by Ellis et al. in view of Miller et al. in order to be able to display a program guide whether or not one is customized for that user or not. Mizutome et al. fails to explicitly state that the default program guide is displayed when the user ID is unidentifiable, but rather when no user preferences are found or specified. However, when Mizutome et al. is combined with Ellis et al. in view of Miller et al. no user preferences being

specified are equivalent to finding no user ID corresponding to the user since Ellis et al. in view of Miller et al. is based on user IDs. Furthermore, Ellis et al. in view of Miller et al. in view of Mizutome et al. still fail to disclose a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means as well as a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Huang et al. reference, Huang et al. discloses a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset

information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means (Figs.2 and 4; col. 3, lines 56-65). Furthermore, Huang et al. discloses a portable terminal that utilizes the Palm operating system (Fig. 2), which would require the EPG to be converted to a language that excludes tag information that requires less data to be transmitted.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the portable information terminal apparatus disclosed by Huang et al. to schedule recordings remotely with the program guide distribution system disclosed by Ellis et al. in view of Miller et al. in view of Mizutome et al. since Ellis et al. is able to send the program guides over the internet in order to allow the user to schedule any recordings they may have forgotten to when they were home, making the device more user-friendly and to not require as much data be sent to the portable terminal since it operates in the Palm OS.

However, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. still fail to explicitly disclose a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that

excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Berger et al. reference, Berger et al. discloses a program information providing apparatus comprising a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval (Figs. 1 and 13; col. 10, line 43 - col. 11, line 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a convertor means as disclosed by Berger et al. in the device disclosed by Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in order to have properly transmitted the program guide to the portable information terminal.

Regarding claim 2, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the limitations previously discussed with respect to claim 1 including that the program information providing apparatus further includes converting means for retrieving said program information from said storing means

before converting the retrieved program information into data of a file format compatible with said portable information terminal apparatus; and wherein said providing means provides said data converted by said converting means to said portable information terminal apparatus (Ellis et al.: col. 1, line 65 - col. 2, line 3 - there are several ways to send the information which would all require different formatting).

Regarding claim 3, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the limitations previously discussed with respect to claim 1 including that the aid portable information terminal apparatus further includes generating means for generating a preset signal corresponding to said preset information established by said establishing means; and wherein said transmitting means transmits to said information processing apparatus infrared rays modulated to represent said preset signal generated by said generating means (Huang et al.: Fig. 2; col.4, line 62 - col. 5, line 9).

Regarding claim 4, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the limitations previously discussed with respect to claim 1 including that the portable information terminal apparatus further includes generating means for generating a preset signal corresponding to said preset information established by said establishing means; and wherein said transmitting means transmits to said information processing apparatus

radio waves modulated to represent said preset signal generated by said generating means (Huang et al.: col. 9, lines 12-24).

Regarding claim 5, Ellis et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs, and an information processing apparatus having recording and reproducing functions; wherein said program information providing apparatus includes: storing means for storing said program information and advertisement information (Fig. 1); and providing means for retrieving said program information and the advertisement information from said storing means before providing the retrieved program information to the user's apparatus (Figs. 2a-2c; col. 5, lines 6-22); and wherein said information processing apparatus includes: receiving means for receiving said preset information from the user's apparatus; and recording controlling means for controlling the unattended recording of said desired program based on said preset information received by said receiving means (Figs. 5-8c - advertisement information is displayed along with the program information; col. 9, line 17 - col. 10, line 2). Furthermore, Ellis et al. discloses the information processing system further comprises converter means for converting said program information from a page description language format to another database format, wherein said another database format comprises a less amount of data than said page description language (Ellis et al.: col. 1, line 65 - col. 2, line 3 - there are several ways to send the information

which would all require different formatting; the information going to the portable information terminal apparatus will have less information than the information going to a set-top box). However, Ellis et al. fails to disclose a portable information terminal apparatus owned by a user, wherein the program information terminal apparatus includes: a providing means that retrieves the program information based on identifying a user ID associated with an information request transmitted from the portable information terminal apparatus, wherein upon identifying the user ID the retrieved program information includes registered content applicable to the user ID, and wherein the user ID is unidentifiable, the retrieved program information includes commonly watched channels. Furthermore, Ellis et al. fails to disclose a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means. Regarding the converting means, Ellis et al. fails to explicitly disclose convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to

another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Miller et al., Miller et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs that includes: providing means for retrieving the program information from the storing means before providing the retrieved program information to a terminal apparatus, the providing means retrieving the program information based on identifying a user ID associated with an information request transmitted from the terminal apparatus, wherein upon identifying the user ID the retrieved program information includes registered content applicable to the user ID (Figs. 2, 3, and 10-12; page 4, lines 15-19; page 17, lines 10-29 – custom program guides (EPGs)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided program guides according to the user's preferences based on their user ID as disclosed by Miller et al in the information processing system disclosed by Ellis et al. in order to provide a more user friendly program guide by allowing the user to customize their guide. However, Ellis et al. in view of Miller et al. fail to disclose that when the user ID is unidentifiable, the retrieved program information includes commonly watched channels. Furthermore, Ellis et al. in view of Miller et al. still fail to disclose a portable information terminal

apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means as well as a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Mizutome et al., Mizutome et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs that includes: providing means for retrieving the program information from the storing means before providing the retrieved program information to a terminal apparatus, wherein the retrieved program information can be customized and when there is no user preferences specified a default program guide (commonly watched channels) is displayed to the user (Figs. 16A, 16B, 22A, and 22B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed a default program guide when no user preferences are specified or found as disclosed by Mizutome et al. in the information processing system disclosed by Ellis et al. in view of Miller et al. in order to be able to display a program guide whether or not one is customized for that user or not. Mizutome et al. fails to explicitly state that the default program guide is displayed when the user ID is unidentifiable, but rather when no user preferences are found or specified. However, when Mizutome et al. is combined with Ellis et al. in view of Miller et al. no user preferences being specified are equivalent to finding no user ID corresponding to the user since Ellis et al. in view of Miller et al. is based on user IDs. Furthermore, Ellis et al. in view of Miller et al. in view of Mizutome et al. still fail to disclose a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means as well as a convertor means coupled to said storing means and providing means, said convertor means converting, under

control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Huang et al. reference, Huang et al. discloses a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means (Figs.2 and 4; col. 3, lines 56-65). Furthermore, Huang et al. discloses a portable terminal that utilizes the Palm operating system (Fig. 2), which would require the EPG to be converted to a language that excludes tag information that requires less data to be transmitted.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the portable information terminal apparatus disclosed by Huang et al. to schedule recordings remotely with the program guide distribution system disclosed by Ellis et al. in view of Miller et al. in view of Mizutome et al. since Ellis et

al. is able to send the program guides over the internet in order to allow the user to schedule any recordings they may have forgotten to when they were home, making the device more user-friendly and to not require as much data be sent to the portable terminal since it operates in the Palm OS. However, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. still fail to explicitly disclose a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Berger et al. reference, Berger et al. discloses a program information providing apparatus comprising a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval (Figs. 1 and 13; col. 10, line 43 - col. 11, line 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a convertor

means as disclosed by Berger et al. in the device disclosed by Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in order to have properly transmitted the program guide to the portable information terminal.

Regarding claim 6, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the limitations previously discussed with respect to claim 5 including that the program information providing apparatus further includes converting means for retrieving said program information and the advertisement information from said storing means before converting the retrieved program information into data of a file format compatible with said portable information terminal apparatus; and wherein said providing means provides said data converted by said converting means to said portable information terminal apparatus (Ellis et al.: col. 1, line 65 - col. 2, line 3 - there are several ways to send the information which would all require different formatting).

Regarding claim 7, Ellis et al. discloses an information processing system comprising an information processing apparatus which has recording, converter means, and reproducing functions, which stores program information about programs and which is owned by the user; wherein said program information providing apparatus includes: storing means for storing said program information and advertisement information (Fig. 1); and providing means for retrieving said program

information and the advertisement information from said storing means before providing the retrieved program information to the user's apparatus (Figs. 2a-2c; col. 5, lines 6-22); and wherein said information processing apparatus includes: receiving means for receiving said preset information from the user's apparatus; and recording controlling means for controlling the unattended recording of said desired program based on said preset information received by said receiving means (Figs. 5-8c - advertisement information is displayed along with the program information; col. 9, line 17 - col. 10, line 2). Furthermore, Ellis et al. discloses the information processing system further comprises converter means for converting said program information from a page description language format to another database format, wherein said another database format comprises a less amount of data than said page description language (Ellis et al.: col. 1, line 65 - col. 2, line 3 - there are several ways to send the information which would all require different formatting; the information going to the portable information terminal apparatus will have less information than the information going to a set-top box). However, Ellis et al. fails to disclose a portable information terminal apparatus owned by a user, wherein the program information terminal apparatus includes: a providing means that retrieves the program information based on identifying a user ID associated with an information request transmitted from the portable information terminal apparatus, wherein upon identifying the user ID the retrieved program information includes registered content applicable to the

user ID, and wherein the user ID is unidentifiable, the retrieved program information includes commonly watched channels. Furthermore, Ellis et al. fails to disclose a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said information processing apparatus; establishing means for establishing preset information, when the portable information terminal apparatus is disconnected from the program information providing apparatus, for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means. Regarding the converting means, Ellis et al. fails to explicitly disclose convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Miller et al., Miller et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs that includes: providing means for retrieving the program information from the storing means

before providing the retrieved program information to a terminal apparatus, the providing means retrieving the program information based on identifying a user ID associated with an information request transmitted from the terminal apparatus, wherein upon identifying the user ID the retrieved program information includes registered content applicable to the user ID (Figs. 2, 3, and 10-12; page 4, lines 15-19; page 17, lines 10-29 – custom program guides (EPGs)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided program guides according to the user's preferences based on their user ID as disclosed by Miller et al in the information processing system disclosed by Ellis et al. in order to provide a more user friendly program guide by allowing the user to customize their guide. However, Ellis et al. in view of Miller et al. fail to disclose that when the user ID is unidentifiable, the retrieved program information includes commonly watched channels. Furthermore, Ellis et al. in view of Miller et al. still fail to disclose a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset

information established by said establishing means as well as a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Mizutome et al., Mizutome et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs that includes: providing means for retrieving the program information from the storing means before providing the retrieved program information to a terminal apparatus, wherein the retrieved program information can be customized and when there is no user preferences specified a default program guide (commonly watched channels) is displayed to the user (Figs. 16A, 16B, 22A, and 22B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed a default program guide when no user preferences are specified or found as disclosed by Mizutome et al. in the information processing system disclosed by Ellis et al. in view of Miller et al. in order to be able to display a program guide whether or not one is customized for that user or not. Mizutome et al. fails to explicitly state that the default program guide is

displayed when the user ID is unidentifiable, but rather when no user preferences are found or specified. However, when Mizutome et al. is combined with Ellis et al. in view of Miller et al. no user preferences being specified are equivalent to finding no user ID corresponding to the user since Ellis et al. in view of Miller et al. is based on user IDs. Furthermore, Ellis et al. in view of Miller et al. in view of Mizutome et al. still fail to disclose a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means as well as a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Huang et al. reference, Huang et al. discloses a portable information terminal apparatus owned by a user, wherein the

portable information terminal apparatus includes: acquiring means for acquiring said program information from said information processing apparatus; establishing means for establishing preset information, when the portable information terminal apparatus is disconnected from the program information providing apparatus, for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means (Figs.2 and 4; col. 3, lines 56-65). Furthermore, Huang et al. discloses a portable terminal that utilizes the Palm operating system (Fig. 2), which would require the EPG to be converted to a language that excludes tag information that requires less data to be transmitted.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the portable information terminal apparatus disclosed by Huang et al. to schedule recordings remotely with the program guide distribution system disclosed by Ellis et al. in view of Miller et al. in view of Mizutome et al. since Ellis et al. is able to send the program guides over the internet in order to allow the user to schedule any recordings they may have forgotten to when they were home, making the device more user-friendly and to not require as much data be sent to the portable terminal since it operates in the Palm OS. However, Ellis et al. in view of Miller et al. in view of Mizutome et al.

in view of Huang et al. still fail to explicitly disclose a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Berger et al. reference, Berger et al. discloses a program information providing apparatus comprising a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval (Figs. 1 and 13; col. 10, line 43 - col. 11, line 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a convertor means as disclosed by Berger et al. in the device disclosed by Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in order to have properly transmitted the program guide to the portable information terminal.

Regarding claim **8**, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the limitations previously discussed with respect to claim 7 including that the acquiring means further acquires said program information sent from another portable information terminal apparatus (Huang et al.: Fig. 2).

Regarding claim **46**, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the limitations previously discussed with respect to claim 1 including that the storing means comprises: first storing means for storing said program information in a first file format; and second storing means for storing said program information in a second file format; wherein said providing means is operative to retrieve said program information from said first or second storing means based on a received request, such that, if said request comprises a first file format then said program information is retrieved from said first storing means in said first file format, and if said request comprises a second file format then said program information is retrieved from said second storing means in said second file format, said second file format comprising less data compared to said first file format (Ellis et al.: col. 1, line 65 - col. 2, line 3 - there are several ways to send the information which would all require different formatting, each requiring somewhere to store that format; the information going to the portable information terminal apparatus will have less information than the information going to a set-top box).

6. Claims 9, 14, 16-20, and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (U.S. Patent 6,437,836) in view of Miller et al. (GB 2 343 074) in view of Mizutome et al. (U.S. Patent 7,469,413) in view of Berger et al. (U.S. Patent 7,210,100).

Regarding claim 9, Huang et al. discloses a portable information terminal apparatus connected to a recording/reproducing apparatus, the portable information terminal apparatus comprising: acquiring means for acquiring program about programs; displaying means for displaying the program information acquired by the acquiring means; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on an operational input made by a user referring to the program information displayed by the displaying means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means (Figs.2 and 4; col. 3, lines 56-65); and registering means for registering detailed information for designating said program information to be acquired by said acquiring means; wherein said displaying means further displays said detailed information registered by said registering means (Figs 1A and 4 – step 414). Furthermore, Huang et al. discloses a portable terminal that utilizes the Palm operating system (Fig. 2), which would require the EPG to be converted to a language that excludes tag information that requires less data to be transmitted. However, Huang et al. fails to disclose a portable information terminal apparatus owned by a

user, wherein the program information terminal apparatus includes: a providing means that retrieves the program information based on identifying a user ID associated with an information request transmitted from the portable information terminal apparatus, wherein upon identifying the user ID the retrieved program information includes registered content applicable to the user ID, and wherein the user ID is unidentifiable, the retrieved program information includes commonly watched channels as well as a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Miller et al., Miller et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs that includes: providing means for retrieving the program information from the storing means before providing the retrieved program information to a terminal apparatus, the providing means retrieving the program information based on identifying a user ID associated with an information request transmitted from the terminal apparatus, wherein upon identifying the user ID the retrieved program information includes registered content applicable to the

user ID (Figs. 2, 3, and 10-12; page 4, lines 15-19; page 17, lines 10-29 – custom program guides (EPGs)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided program guides according to the user's preferences based on their user ID as disclosed by Miller et al in the information processing system disclosed by Huang et al. in order to provide a more user friendly program guide by allowing the user to customize their guide. However, Huang et al. in view of Miller et al. fail to disclose that when the user ID is unidentifiable, the retrieved program information includes commonly watched channels as well as a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Mizutome et al., Mizutome et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs that includes: providing means for retrieving the program information from the storing means before providing the retrieved program information to a terminal apparatus, wherein the retrieved program information can be customized and when there is no user preferences specified a default

program guide (commonly watched channels) is displayed to the user (Figs. 16A, 16B, 22A, and 22B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed a default program guide when no user preferences are specified or found as disclosed by Mizutome et al. in the information processing system disclosed by Huang et al. in view of Miller et al. in order to be able to display a program guide whether or not one is customized for that user or not. Mizutome et al. fails to explicitly state that the default program guide is displayed when the user ID is unidentifiable, but rather when no user preferences are found or specified. However, when Mizutome et al. is combined with Huang et al. in view of Miller et al. no user preferences being specified are equivalent to finding no user ID corresponding to the user since Huang et al. in view of Miller et al. is based on user IDs. However, Huang et al. in view of Miller et al. in view of Mizutome et al. still fail to explicitly disclose a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Berger et al. reference, Berger et al. discloses a program information providing apparatus comprising a convertor means

coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval (Figs. 1 and 13; col. 10, line 43 - col. 11, line 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a convertor means as disclosed by Berger et al. in the device disclosed by Huang et al. in view of Miller et al. in view of Mizutome et al. in order to have properly transmitted the program guide to the portable information terminal.

Regarding claim **14**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9, as well as disclosing storing means for storing said preset information established by said establishing means; and controlling means for controlling exchanges of information with said recording/reproducing apparatus; wherein said transmitting means transmits said preset information from said storing means to said recording/reproducing apparatus under control of said controlling means (Huang et al.: Fig. 4).

Regarding claim **16**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9 including that the detailed information includes any one of a region, a channel, and a user ID (Huang et al.: Fig. 5).

Regarding claim **17**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9 including that the registering means registers a plurality of items of said detailed information, and wherein said acquiring means acquires said program information corresponding to said plurality of items of said detailed information registered by said registering means (Huang et al.: Fig. 4 – step 414).

Regarding claim **18**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9 including that if said program information corresponding to said detailed information is acquired by said acquiring means, then said displaying means further displays a predetermined mark pointing to said detailed information (Huang et al.: Figs. 4 and 5).

Regarding claim **19**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9 as well as disclosing controlling means for controlling exchanges of information with said

recording/reproducing apparatus; and receiving means which, under control of said controlling means, receives from said recording/reproducing apparatus a message regarding preset status of said desired program as part of said preset information transmitted from said transmitting means; wherein said displaying means further displays a predetermined mark pointing to said detailed information based on said message received by said receiving means (Huang et al.: Figs. 2, 4, and 5).

Regarding claim **20**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9 as well as the apparatus further comprising receiving means for receiving image data derived from conversion of said desired program, recorded by said recording/reproducing apparatus, into a predetermined file format; wherein said displaying means further displays said image data received by said receiving means (Huang et al.: Figs. 2 and 4).

Regarding claim **22**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9 including a transmitting means transmits infrared rays modulated to represent a preset signal corresponding to said preset information (Huang et al.: Fig. 2; col.4, line 62 - col. 5, line 9).

Regarding claim **23**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9 including that the transmitting means transmits radio waves modulated to represent a preset signal corresponding to said preset information (Huang et al.: col. 9, lines 12 - 24).

Regarding claim **24**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9 including that the transmitting means transmits said preset information over a network (Huang et al.: Fig. 2; col. 4, line 62 – col. 5, line 9; col. 9, lines 12-24).

Regarding claim **25**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9 as well as disclosing updating means for updating said preset information established by said establishing means (Huang et al.: Fig. 4 - step 420).

Regarding claim **26**, this is a method claim corresponding to the apparatus claim 9. Therefore, claim 26 is analyzed and rejected as previously discussed with respect to claim 9.

Regarding claim **27**, this is a non-transitory computer-readable medium claim corresponding to the apparatus claim 9. Therefore, claim 27 is analyzed and rejected as previously discussed with respect to claim 9.

7. Claims 10-13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. as applied to claim 9 above, and further in view of Ellis et al. (U.S. Patent 6,898,762).

Regarding claim **10**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9, but fails to disclose a judging means; wherein said program information includes detailed program information associated with advertisement information; wherein said judging means judges whether the program information acquired by said acquiring means is associated with said advertisement information; and wherein, if said judging means judges that said program information is not associated with said advertisement information, then said displaying means does not display said program information.

Referring to the Ellis et al. reference, Ellis et al. discloses a judging means; wherein said program information includes detailed program information associated with advertisement information; wherein said judging means judges whether the program information acquired by said acquiring means is associated with said advertisement information; and wherein, if said judging means judges that said program information is not associated with said advertisement information, then said displaying means does not display said program information (col. 10, lines 18-27 –

advertisements directed to pay-per-view movies; col. 19, line 64 - col. 20, line 16 – targeted advertisements).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a judging means as disclosed by Ellis et al. in the portable information terminal apparatus disclosed by Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. in order to target the advertisements to the user and the other programs.

Regarding claim **11**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. in view of Ellis et al. discloses all the limitations as previously discussed with respect to claims 9 and 10 including that the detailed program information includes either an indicator pointing to a location where further information associated with said program information exists, or information about reference to the associated information (Ellis et al: col. 10, lines 18-27 – advertisements directed to pay-per-view movies; col. 19, line 64 - col. 20, line 16 – targeted advertisements).

Regarding claim **12**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. in view of Ellis et al. discloses all the limitations as previously discussed with respect to claims 9 and 10 including that the advertisement information includes detailed advertisement information associated with said advertisement information; and wherein said detailed advertisement information includes either an

indicator pointing to a location where further information associated with said advertisement information exists, or information about a reference to the associated information (Ellis et al.: col. 10, lines 18-27 – advertisements directed to pay-per-view movies; col. 19, line 64 - col. 20, line 16 – targeted advertisements).

Regarding claim **13**, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9, but fails to disclose a judging means and updating means; wherein said program information is associated with advertisement information; wherein said advertisement information includes time limit information denoting a time limit; wherein said judging means judges whether said time limit denoted by said time limit information in said advertisement information has expired; and wherein said updating means updates said program information based on the judgment by said judging means.

Referring to the Ellis et al. reference, Ellis et al. discloses a judging means and updating means; wherein said program information is associated with advertisement information; wherein said advertisement information includes time limit information denoting a time limit; wherein said judging means judges whether said time limit denoted by said time limit information in said advertisement information has expired; and wherein said updating means updates said program information based on the judgment by said judging means (col. 10, lines 18-27 –

advertisements directed to pay-per-view movies; col. 19, line 64 - col. 20, line 16 – targeted advertisements).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a judging means as disclosed by Ellis et al. in the portable information terminal apparatus disclosed by Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. in order to target the advertisements to the user and the other programs.

Regarding claim 21, Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. discloses all the limitations as previously discussed with respect to claim 9, but fails to disclose a managing means for managing a schedule list in which to register what is scheduled by said user; judging means for judging whether or not to write said preset information established by said establishing means to said schedule list managed by said managing means; and writing means which, based on the judgment by said judging means, writes said preset information established by said establishing means to said schedule list managed by said managing means; wherein said displaying means further displays said schedule list including said preset information written by said writing means.

Referring to the Ellis et al. reference, Ellis et al. discloses a managing means for managing a schedule list in which to register what is scheduled by said user; judging means for judging whether or not to write

said preset information established by said establishing means to said schedule list managed by said managing means; and writing means which, based on the judgment by said judging means, writes said preset information established by said establishing means to said schedule list managed by said managing means; wherein said displaying means further displays said schedule list including said preset information written by said writing means (col. 9, line 17 – col. 10, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a judging means as disclosed by Ellis et al. in the portable information terminal apparatus disclosed by Huang et al. in view of Miller et al. in view of Mizutome et al. in view of Berger et al. in order to properly schedule programs for recording so there is no overlapping in scheduled recording times.

8. Claims 29, 31-37, 39, 40, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. Patent 6,898,762) in view of Miller et al. (GB 2 343 074) in view of Mizutome et al. (U.S. Patent 7,469,413) in view of Huang et al. in view of Berger et al. (U.S. Patent 7,120,100).

Regarding claim **29**, Ellis et al. discloses a program information providing apparatus for providing program information about programs to an information processing apparatus over a network, said program information providing apparatus comprising: storing means for storing said program information and advertisement information (Figs. 2a-2c; col. 5, lines 6-22); converting means for, based on a request from said

information processing apparatus, retrieving said program information and said advertisement information from said storing means and then converting the retrieved information into data of a predetermined format compatible with said information processing apparatus (col. 1, line 65 - col. 2, line 3 - there are several ways to send the information which would all require different formatting); and providing means for providing said data converted by said converting means to said information processing apparatus over said network (col. 1, line 65 - col. 2, line 3). Furthermore, Ellis et al. discloses the information processing system further comprises converter means for converting said program information from a page description language format to another database format, wherein said another database format comprises a less amount of data than said page description language (Ellis et al.: col. 1, line 65 - col. 2, line 3 - there are several ways to send the information which would all require different formatting; the information going to the portable information terminal apparatus will have less information than the information going to a set-top box). However, Ellis et al. fails to disclose a portable information terminal apparatus owned by a user, wherein the program information terminal apparatus includes: a providing means that retrieves the program information based on identifying a user ID associated with an information request transmitted from the portable information terminal apparatus, wherein upon identifying the user ID the retrieved program information includes registered content applicable to the user ID, and wherein the user

ID is unidentifiable, the retrieved program information includes commonly watched channels. Regarding the converting means, Ellis et al. fails to explicitly disclose convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Miller et al., Miller et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs that includes: providing means for retrieving the program information from the storing means before providing the retrieved program information to a terminal apparatus, the providing means retrieving the program information based on identifying a user ID associated with an information request transmitted from the terminal apparatus, wherein upon identifying the user ID the retrieved program information includes registered content applicable to the user ID (Figs. 2, 3, and 10-12; page 4, lines 15-19; page 17, lines 10-29 – custom program guides (EPGs)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided program guides according to the user's preferences based on their user ID as disclosed by Miller et al in the information processing system disclosed by Ellis et al. in

order to provide a more user friendly program guide by allowing the user to customize their guide. However, Ellis et al. in view of Miller et al. fail to disclose that when the user ID is unidentifiable, the retrieved program information includes commonly watched channels. Regarding the converting means, Ellis et al. in view of Miller et al. fails to explicitly disclose converting the program information from a page description language format to another database format that excludes tag information since it is not disclosed which operating system the portable terminal is using as well as a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Mizutome et al., Mizutome et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs that includes: providing means for retrieving the program information from the storing means before providing the retrieved program information to a terminal apparatus, wherein the retrieved program information can be customized and when there is no user preferences specified a default program guide (commonly watched channels) is displayed to the user (Figs. 16A, 16B, 22A, and 22B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed a default program guide when no user preferences are specified or found as disclosed by Mizutome et al. in the information processing system disclosed by Ellis et al. in view of Miller et al. in order to be able to display a program guide whether or not one is customized for that user or not. Mizutome et al. fails to explicitly state that the default program guide is displayed when the user ID is unidentifiable, but rather when no user preferences are found or specified. However, when Mizutome et al. is combined with Huang et al. in view of Miller et al. no user preferences being specified are equivalent to finding no user ID corresponding to the user since Ellis et al. in view of Miller et al. is based on user IDs. Regarding the converting means, Ellis et al. in view of Miller et al. in view of Mizutome et al. fails to explicitly disclose converting the program information from a page description language format to another database format that excludes tag information since it is not disclosed which operating system the portable terminal is using as well as a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Huang et al. reference, Huang et al. discloses a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means (Figs.2 and 4; col. 3, lines 56-65). Furthermore, Huang et al. discloses a portable terminal that utilizes the Palm operating system (Fig. 2), which would require the EPG to be converted to a language that excludes tag information that requires less data to be transmitted.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the portable information terminal apparatus disclosed by Huang et al. to schedule recordings remotely with the program guide distribution system disclosed by Ellis et al. in view of Miller et al. in view of Mizutome et al. since Ellis et al. is able to send the program guides over the internet in order to allow the user to schedule any recordings they may have forgotten to when they were home, making the device more user-friendly and to not require as much data be sent to the portable terminal since it operates in the Palm OS. However, Ellis et al. in view of Miller et al. in view of Mizutome et al.

in view of Huang et al. still fail to explicitly disclose a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Berger et al. reference, Berger et al. discloses a program information providing apparatus comprising a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval (Figs. 1 and 13; col. 10, line 43 - col. 11, line 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a convertor means as disclosed by Berger et al. in the device disclosed by Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in order to have properly transmitted the program guide to the portable information terminal.

Regarding claim **30**, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the information as previously discussed with respect to claim 29, but fails to disclose a charging means for calculating a fee for inserting said advertisement information and charging said fee on a sponsor of said advertisement information. Official Notice is taken that it is well known to charge the sponsor for advertising. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have charged the sponsor a fee for advertising in order for the distribution facility to make money to continue providing program information.

Regarding claim **31**, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the information as previously discussed with respect to claim 29, including that the storing means further stores user information about a user who owns said information processing apparatus (Ellis et al.: col. 19, line 64 – col. 20, line 16).

Regarding claim **32**, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the information as previously discussed with respect to claim 29, including that the program information includes detailed program information associated with said program information, and wherein said advertisement information includes detailed advertisement information associated with

said advertisement information (Ellis et al.: col. 19, line 64 - col. 20, line 16).

Regarding claim **33**, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the information as previously discussed with respect to claims 29 and 32, including that the detailed program information includes either an indicator pointing to a location where further information associated with said program information exists, or information about a reference to the associated information (Ellis et al.: col. 19, line 64 – col. 20, line 16).

Regarding claim **34**, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the information as previously discussed with respect to claims 29 and 32, including that the detailed advertisement information includes either an indicator pointing to a location where further information associated with said advertisement information exists, or information about a reference to the associated information (Ellis et al.: col. 19, line 64 – col. 20, line 16).

Regarding claim **35**, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the information as previously discussed with respect to claim 29 including that the advertisement information includes time limit information denoting a time limit (Ellis et al.: col. 10, lines 18-27 – advertisements directed to pay-per-view movies; col. 19, line 64 - col. 20, line 16 – targeted advertisements).

Regarding claim **36**, this is a method claim corresponding to the apparatus claim 29. Therefore, claim 36 is analyzed and rejected as previously discussed with respect to claim 29.

Regarding claim **37**, this is a non-transitory computer-program storage medium claim corresponding to the apparatus claim 29. Therefore, claim 37 is analyzed and rejected as previously discussed with respect to claim 29.

Regarding claim **39**, Ellis et al. discloses a recording/reproducing apparatus connected to a portable information terminal apparatus, said recording/reproducing apparatus comprising: receiving means for receiving from said portable information terminal apparatus preset information for presetting a desired program to be recorded unattended, the preset information determined from program information received by the portable information terminal apparatus; and recording controlling means for controlling the unattended recording of said desired program based on said preset information received by said receiving means (Figs. 3 and 4), wherein the preset information is converted to a predetermined format compatible to with the recording/reproducing apparatus (col. 1, line 65 - col. 2, line 3 - several ways the program information and the advertisement information can be sent to the information processing apparatus. It is well known in the art that the information would need to be converted to accommodate the receiving apparatus in order to be displayed correctly. Furthermore, in Fig. 2a processing circuitry 54

includes circuitry suitable for finding and transmitting the requested information to the information processing apparatus.). Furthermore, Ellis et al. discloses the information processing system further comprises converter means for converting said program information from a page description language format to another database format, wherein said another database format comprises a less amount of data than said page description language (Ellis et al.: col. 1, line 65 - col. 2, line 3 - there are several ways to send the information which would all require different formatting; the information going to the portable information terminal apparatus will have less information than the information going to a set-top box). However, Ellis et al. fails to disclose a portable information terminal apparatus owned by a user, wherein the program information terminal apparatus includes: a providing means that retrieves the program information based on identifying a user ID associated with an information request transmitted from the portable information terminal apparatus, wherein upon identifying the user ID the retrieved program information includes registered content applicable to the user ID, and wherein the user ID is unidentifiable, the retrieved program information includes commonly watched channels. Regarding the converting means, Ellis et al. fails to explicitly disclose convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another

database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Miller et al., Miller et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs that includes: providing means for retrieving the program information from the storing means before providing the retrieved program information to a terminal apparatus, the providing means retrieving the program information based on identifying a user ID associated with an information request transmitted from the terminal apparatus, wherein upon identifying the user ID the retrieved program information includes registered content applicable to the user ID (Figs. 2, 3, and 10-12; page 4, lines 15-19; page 17, lines 10-29 – custom program guides (EPGs)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided program guides according to the user's preferences based on their user ID as disclosed by Miller et al in the information processing system disclosed by Ellis et al. in order to provide a more user friendly program guide by allowing the user to customize their guide. However, Ellis et al. in view of Miller et al. fail to disclose that when the user ID is unidentifiable, the retrieved program information includes commonly watched channels. Regarding the converting means, Ellis et al. in view of Miller et al. fails to explicitly disclose converting the program information from a page description

language format to another database format that excludes tag information since it is not disclosed which operating system the portable terminal is using as well as a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Mizutome et al., Mizutome et al. discloses an information processing system comprising a program information providing apparatus for providing program information about programs that includes: providing means for retrieving the program information from the storing means before providing the retrieved program information to a terminal apparatus, wherein the retrieved program information can be customized and when there is no user preferences specified a default program guide (commonly watched channels) is displayed to the user (Figs. 16A, 16B, 22A, and 22B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed a default program guide when no user preferences are specified or found as disclosed by Mizutome et al. in the information processing system disclosed by Ellis et al. in view of Miller et al. in order to be able to display a program guide whether or not one is customized for that user or not.

Mizutome et al. fails to explicitly state that the default program guide is displayed when the user ID is unidentifiable, but rather when no user preferences are found or specified. However, when Mizutome et al. is combined with Huang et al. in view of Miller et al. no user preferences being specified are equivalent to finding no user ID corresponding to the user since Ellis et al. in view of Miller et al. is based on user IDs. Regarding the converting means, Ellis et al. in view of Miller et al. in view of Mizutome et al. fails to explicitly disclose converting the program information from a page description language format to another database format that excludes tag information since it is not disclosed which operating system the portable terminal is using as well as a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Huang et al. reference, Huang et al. discloses a portable information terminal apparatus owned by a user, wherein the portable information terminal apparatus includes: acquiring means for acquiring said program information from said program information providing apparatus; establishing means for establishing preset information for presetting a desired program to be recorded unattended

based on said program information acquired by said acquiring means; and transmitting means for transmitting to said information processing apparatus said preset information established by said establishing means (Figs.2 and 4; col. 3, lines 56-65). Furthermore, Huang et al. discloses a portable terminal that utilizes the Palm operating system (Fig. 2), which would require the EPG to be converted to a language that excludes tag information that requires less data to be transmitted.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the portable information terminal apparatus disclosed by Huang et al. to schedule recordings remotely with the program guide distribution system disclosed by Ellis et al. in view of Miller et al. in view of Mizutome et al. since Ellis et al. is able to send the program guides over the internet in order to allow the user to schedule any recordings they may have forgotten to when they were home, making the device more user-friendly and to not require as much data be sent to the portable terminal since it operates in the Palm OS. However, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. still fail to explicitly disclose a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a

less amount of data than said page description language and requires no data analysis following retrieval.

Referring to the Berger et al. reference, Berger et al. discloses a program information providing apparatus comprising a convertor means coupled to said storing means and providing means, said convertor means converting, under control of said providing means, said program information hierarchically using tags to another database format that excludes said tags, wherein said another database format comprises a less amount of data than said page description language and requires no data analysis following retrieval (Figs. 1 and 13; col. 10, line 43 - col. 11, line 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a convertor means as disclosed by Berger et al. in the device disclosed by Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in order to have properly transmitted the program guide to the portable information terminal.

Regarding claim **40**, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the information as previously discussed with respect to claim 39 including that the controlling means into image data of a predetermined file format in response to a request from said portable information terminal apparatus; and transmitting means for transmitting said image data converted by said

converting means to said portable information terminal apparatus (Ellis et al.: col. 1, line 65 - col. 2, line 3 - there are several ways to send the information which would all require different formatting).

Regarding claim **41**, Ellis et al. in view of Miller et al. in view of Mizutome et al. in view of Huang et al. in view of Berger et al. discloses all the information as previously discussed with respect to claim 39 but fails to disclose a transmitting means for transmitting to said portable information terminal apparatus a message regarding preset status of said desired program as part of said preset information received by said receiving means. Official Notice is taken that it is well known to notify the user of the recording status and any conflicts. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to alert the user regarding the recording status to allow the user to make different recording arrangements if necessary.

Regarding claim **42**, this is a method claim corresponding to the apparatus claim 39. Therefore, claim 42 is analyzed and rejected as previously discussed with respect to claim 39.

Regarding claim **43**, this is a non-transitory computer-program storage medium claim corresponding to the apparatus claim 39. Therefore, claim 43 is analyzed and rejected as previously discussed with respect to claim 39.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2481

HRJ
June 14, 2011

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2484